

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES A. BATTLE, JR.,

Plaintiff,

v.

ARLEN HATTLE, et al.,

Defendants.

CASE NO. C13-5086 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 26), and Plaintiff James A. Battle, Jr.’s (“Battle”) response to the R&R (Dkt. 27).

On July 15, 2013, Judge Strombom issued an R&R dismissing without prejudice two Defendants in this case, Dawn Thompson (“Thompson”) and Gary Harp (“Harp”) for failure to prosecute. Dkt. 26 at 3. Judge Strombom had provided Battle additional time to obtain service information, and he failed to provide that information with respect to Thompson and Harp. *Id.*

On July 19, 2013, Battle filed a response to the R&R. Dkt. 27. Although the response was designated as an objection on the Court’s docket, Battle, in fact, has no

1 objections to the R&R. In his response, Battle apologizes to the Court for failing to be
2 diligent in seeking out the addresses of the aforementioned Defendants and for wasting
3 the Court's scarce resources by failing to follow through. *Id.* at 1-2. Battle states that he
4 "respectfully concedes [sic] to the Magistrate's Report and Recommendations (Dkt. 28)
5 in toto."

6 The Court having considered the R&R, Battle's response, and the remaining
7 record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**; and
9 (2) This case is **DISMISSED without prejudice** as to Defendants Dawn
10 Thompson and Gary Harp.

11 Dated this 19th day of August, 2013.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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